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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 GUY CADWELL, an individual and on  
12 behalf of the general public,

13 Plaintiff,

14 v.

15 DR. PEPPER SNAPPLE GROUP, INC.,  
16 and DOES 1 through 100,

17 Defendants.  
18

Civil No. 09cv1826 L(NLS)

**ORDER GRANTING MOTION TO  
TRANSFER VENUE TO THE  
UNITED STATES DISTRICT  
COURT, EASTERN DISTRICT OF  
CALIFORNIA, SACRAMENTO  
DIVISION UNDER 28 U.S.C. §  
1404(a) [doc. #16]**

19 On October 21, 2009, plaintiff Guy Cadwell filed an unopposed motion to transfer venue  
20 to the United States District Court for the Eastern District of California. A class action, *Von*  
21 *Koenig v. Snapple Beverage Corp.*, 09-cv-606-FCD-EFB (E.D. Cal.), related to allegations  
22 against defendant for false advertising had already been filed at the time plaintiff Cadwell filed  
23 his class action complaint.

24 Plaintiff filed a motion to consolidate this action with the earlier filed and related *Von*  
25 *Koenig* case that is set for hearing before the Honorable Frank C. Damrell, Jr. on October 30,  
26 2009. Plaintiff seeks transfer of the above-captioned case to the Eastern District of California  
27 under 28 U.S.C. § 1404(a) which provides that “[f]or the convenience of parties and witnesses,  
28 in the interest of justice, a district court may transfer any civil action to any other district or  
division where it might have been brought.”

1 In his declaration, plaintiff's counsel, John H. Donboli, Esq., states he conferred with  
2 counsel for defendant, Dr. Pepper Snapple Group, Inc., and confirmed that defendant's counsel  
3 does not oppose this motion, will not be filing an opposition to this motion, and supports  
4 plaintiff's efforts to effectuate this case being transferred to the Eastern District of California.

5 Having reviewed the motion, there being no objection thereto, and in the interests of  
6 justice and the preservation of both judicial and client resources, plaintiff's unopposed motion to  
7 transfer the above-captioned case to the United States District Court for the Eastern District of  
8 California is **GRANTED**. The Clerk of the Court is directed to effectuate the transfer of this  
9 case.

10 **IT IS SO ORDERED.**

11 DATED: October 21, 2009

12   
13 M. James Lorenz  
United States District Court Judge

14 COPY TO:

15 HON. NITA L. STORMES  
16 UNITED STATES MAGISTRATE JUDGE

17 ALL PARTIES/COUNSEL OF RECORD  
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